



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/855,004      | 05/14/2001  | Andrew G. Smolenski  | M-7199-1P US        | 1196             |

26111 7590 05/27/2005

STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

|          |
|----------|
| EXAMINER |
|----------|

WOZNIAK, JAMES S

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2655

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

|   |                        |  |                                     |
|---|------------------------|--|-------------------------------------|
| APPLICATION NO./<br>CONTROL NO. 09/1855/004 | FILING DATE<br>5/14/01 | FIRST NAMED INVENTOR/ Smolenski<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO.<br>M-7199-1P US |
|---|------------------------|--|-------------------------------------|

|          |
|----------|
| EXAMINER |
|----------|

James S. Wozniak

|          |       |
|----------|-------|
| ART UNIT | PAPER |
|----------|-------|

2655

20050525

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See Attachment

  
DAVID L. OMETZ  
PRIMARY EXAMINER

### **DETAILED ACTION**

1. The amendment filed on 7/21/2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are related to providing a user with selected audio messages (Claims 75-91) and providing a user with audio messages for a specific product or service based on previous transaction data (Claims 66-74), while the elected invention (Claims 1-65) is drawn to a method for developing an interactive voice application and is classified in 704/270.ccls. The non-elected invention (Claims 66-91) is classified in 379/88.01 for being drawn to audio message storage and retrieval via voice interaction. Thus, since the non-elected invention (claims 66-91) does not involve the development of a voice application and has a classification different than that of the elected invention (1-65), it is not readable on the elected invention.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Art Unit: 2655


**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached at (571) 272-7582. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak  
6/\*\*/2005



DAVID L. OMETZ  
PRIMARY EXAMINER